



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

5720
Ser BPMO/22
August 26, 2019

Mr. Jason Fagone
San Francisco Chronicle
901 Mission Street
San Francisco, CA 94103

Dear Mr. Fagone:

This correspondence is in regards to your Freedom of Information Act (FOIA) request in which you seek the following:

Copy of all DOE records, contracts, emails, and communications related to the report titled "Low-Level Radiological Waste Evaluation Associated with Various Base Realignment and Closure Activities", dated January 13, 2012, by Kurt Picel and Robert Johnson of the Argonne National Laboratory, under contract to the Battelle Memorial Institute.

In a Department of the Energy email dated September 19, 2018, the scope was narrowed to exclude data files, technical references, and background science documents. In a September 21, 2018 email, you further narrowed your request to further exclude certain drafts of responsive documents.

Your request was referred by the Department of Energy to the Department of the Navy on October 30, 2018, and received by this office on June 4, 2019. File number DON-NAVY-2019-000855 has been assigned to your request for tracking purposes. During the referral, Department of Energy referred 30 documents to this office for responsiveness. Upon further evaluation, Argonne National Labs determined that 3 of the records were not actually responsive and have been removed from responsive records that are being released.

Of the remaining documents, we identified and reviewed 27 responsive records. This office determined two of the records are duplicates and are not provided twice in this response. Four records related to contracts were previously released to you under FOIA 2018-010860 and are not being re-released under this FOIA. One record is partially withheld under FOIA Exemption 4, [5 U.S.C. § 552 (b)(4)], which exempts from disclosure trade secrets and commercial or financial information obtained from a person that is privileged or confidential. Instances of exempt information have been redacted and the remainder of the document is released to you. Another six records are fully exempt from disclosure under FOIA Exemption 5 [5 U.S.C. § 552 (b)(5)], which exempts from disclosure inter-agency or intra-agency documents that are draft or deliberative in nature. Based on this review, the Navy is providing to you via FOIA Online 14 releasable records in their entirety and one partially redacted record for a total of 15 records.

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Fees for processing this request are waived in this instance.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or 703-697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Any questions concerning this matter should be directed to Ms. Heather Wochnick who may be contacted at heather.wochnick@navy.mil or 619-524-4605.

Sincerely,



LAWRENCE LANSDALE
Environmental Director
By direction